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May 19, 2022

By ECF

Honorable Analisa Torres
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: **United States v. Shea, S2 20 Cr. 412 (AT)**
Letter Regarding Potential Privilege Issues

Dear Judge Torres:

This firm represents non-party We Build the Wall, Inc., which was previously designated on the docket an “interested party” in these proceedings. I am writing to alert the Court to the possibility of privilege issues arising in the trial in this matter, which is starting on Monday, May 23, 2022. It has come to my attention that Mr. Rich Kaye received a subpoena from the defendant to testify at the trial. Mr. Kaye is a lawyer at the law firm of Barnes & Thornburg. Mr. Kaye previously represented We Build the Wall and, depending on the questions he is asked and his answers, that proposed testimony may present issues relating to We Build the Wall’s attorney-client privileged communications.

I am in communication with the parties in this case and counsel for Barnes & Thornburg and Mr. Kaye in an effort to avoid any such issues without Court intervention. I write to request that, if those efforts are not successful, the Court provide an orderly process for determining the questions and answers that may present issues of potential privilege, and for permitting We Built the Wall to be heard on issues relating to its privilege.

Respectfully submitted,

A handwritten signature in blue ink that reads 'Justin S. Weddle'.

Justin S. Weddle